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10/821,121	04/08/2004	Jeffrey B. Levering	N0389.70009US01	8205

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EXAMINER

BIBBEE, JARED M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,121	Applicant(s) LEVERING ET AL.	
	Examiner JARED M. BIBBEE	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-29, 35-46 and 52-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-29, 35-46 and 52-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action has been issued in response to amendment filed on 21 March 2008. Claims 13-17, 30-34 and 47-51 are cancelled. Claims 1-12, 18-29, 35-46 and 52-69 are pending. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are not persuasive, as they relate to the claim rejections under 35 U.S.C. 103 as will be discussed below. Accordingly, this action has been made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 18-29, 35-46 and 52-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Burakoff et al (US 6,122,635) in view of Shklar et al (US 6,253,239 B1).

As to claim 1, Burakoff clearly teaches a computer-implemented method comprising acts of:

- (A) executing a set of programmed instructions on a source file to identify a source location within the source file, the source location comprising at least a portion of the source file containing a data element (*see column 3, lines 15-28*); and
- (B) storing an indication of the source location (*see column 3, lines 20-33*).

Burakoff does not appear to explicitly disclose:

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- (C) receiving a request, from a user viewing a file other than the source file, to retrieve the data element at the source location; and
- (D) employing the indication of the source location to retrieve the data element at the source location.

However, Shklar teaches: receiving a request, from a user viewing a file other than the source file, to retrieve the data element at the source location (*see column 4, lines 25-39*); and employing the indication of the source location to retrieve the data element at the source location (*see column 4, lines 40-51*).

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Burakoff and Shklar before him or her, to modify the method of acquiring securities information as taught by Burakoff to include the user request for data from a source location of Shklar for the purpose of providing flexible access to heterogeneous information from numerous sources (*see column 2, lines 15-17*).

Therefore, it would have been obvious to combine Shklar with Burakoff to obtain the invention as specified in the instant claims.

As to claim 2, Burakoff clearly teaches the limitation of act (A) further comprises executing a software application to identify the source location, wherein the software application employs a parameter defining a characteristic of the data element (*see column 3, lines 46-49; Note that the start and end line markings are parameters that define the start of desired information and the end of desired information.*).

As to claim 3, Burakoff clearly teaches the limitation of the parameter is provided in a data structure which is accessed by the software application (*see column 3, lines 31-37; Note that the file server is the data structure.*).

As to claim 4, Burakoff clearly teaches the limitation of the characteristic comprises text which accompanies the data element within the source location (*see column 3, lines 46-49*).

As to claim 5, Burakoff clearly teaches the limitation of the characteristic comprises text which represents the data element (*see column 3, lines 46-49*).

As to claim 6, Burakoff clearly teaches the limitation of the set of programmed instructions identifies the source location by preliminarily identifying the source location, requesting input from a user as to whether the source location is preliminarily identified correctly, and processing the input to identify the source location (*see column 7, lines 51-67 through column 8, lines 1-14*).

As to claim 7, Burakoff clearly teaches the limitation of the act of processing the input further comprises updating a characteristic of the data element (*see column 8, lines 9-11; Note that the system operator specifies the end number. The end number being a characteristic in that it defines where a item ends.*).

As to claim 8, Burakoff clearly teaches the limitation of the file comprises a plurality of characters including a first character (*see column 3, line 25; Note that the start line inherently has a first character.*), and the source location is identified by a number of characters from the first character (*see column 3, line 25-27; Note that the end line is a given number of characters away from the start line's first character.*).

As to claim 9, Burakoff clearly teaches the limitation of the first character is at the beginning of the file (*see column 3, line 25; Note that the start line can be any line within the file and that includes the first line in the file.*).

As to claim 10, Burakoff clearly teaches the limitation of the data structure comprises a plurality of lines of information including a first line of information (*see column 3, line 25; Start Line*), and the source location is identified by a number of lines from the first line of information (*see column 3, line 25-27; Note that the end line specifies the number of lines from the start line is identified as desired text.*).

As to claim 11, Burakoff clearly teaches the limitation of the first line of information is at the beginning of the file (*see column 3, line 25; Note that the start line can be any line within the file and that includes the first line in the file.*).

As to claim 12, Burakoff clearly teaches the limitation of the data structure comprises a plurality of pixels arranged in a grid containing rows and columns (*see column 5, lines 28-31; Note that Burakoff discloses a general purpose computer for carrying out the invention. The computer comprises a display. It is inherent that the display is presenting the files to the user through computer screen and it is also inherent that the computer screen is made of rows and columns of pixels.*), and the source location is identified by a pixel found at an intersection of a row and a column (*Note that since the file is being presented using the display in order for the user to view the identified desired text, it is inherent that the starting line and ending line for the desired text would have a pixel location on the screen.*).

As to claims 18-29, these claims are computer-readable medium claims corresponding to the method claims 1-12 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-12 above.

As to claims 35-46, these claims are system claims corresponding to the method claims 1-12 respectively, and are rejected for the same reasons set forth in the rejection of claim 1-12 above.

With respect to independent claim 52, Burakoff teaches a method of accessing at least one data element stored at a source location, the method comprising acts of:

- (A) receiving a request from a user to access the at least one data element at the source location, the source location comprising at least a portion of a source file containing the at least one data element, the source location having been identified via an execution of a set of programmed instructions, the source file comprising a securities filing (*see column 1, lines 64-67 through column 2, lines 1-3 and column 3, lines 15-28*);
- (B) retrieving an indication of the source location from electronic file storage (*see column 2, lines 4-26*);
- (C) processing the indication to access the source location (*see column 2, lines 27-37*);
and
- (D) presenting the at least one data element stored at the source location to the user (*see column 9, lines 30-40 and lines 51-53*).

Burakoff does not appear to explicitly disclose the request being received from a user viewing a file other than the source file.

However, Shklar teaches the request being received from a user viewing a file other than the source file (*see column 4, lines 25-32*).

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Burakoff and Shklar before him or her, to modify the method of acquiring securities information as taught by Burakoff to include the user request for data from a source location of Shklar for the purpose of providing flexible access to heterogeneous information from numerous sources (*see column 2, lines 15-17*).

Therefore, it would have been obvious to combine Shklar with Burakoff to obtain the invention as specified in the instant claims.

The examiner is interpreting the computer-readable medium, according to applicant's specification, as non-volatile recording medium, floppy disk, flash memory, or any other suitable tangible medium. Burakoff clearly teaches the computer-readable medium in column 5, lines 39-50.

As to claim 53, this claim is a computer-readable medium claim corresponding to the method claim 52 respectively, and is rejected for the same reasons set forth in the rejection of claim 52 above.

As to claim 54, this claim is a system claim corresponding to the method claim 52 respectively, and is rejected for the same reasons set forth in the rejection of claim 52 above.

As to claim 55, Shklar further teaches the request specifies a reference to the data element which is included within the file (*see column 4, lines 40-47; Metadata index*).

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As to claim 56, Shklar further teaches the act (D) further comprises retrieving the source file (*see column 4, lines 40-51*).

As to claim 57, Shklar further teaches the file other than the source file is a web page (*see column 4, lines 20-24*).

As to claim 58, Shklar further teaches the act (C) further comprises receiving the request from a user viewing a representation of the data element in the file other than the source file (*see column 4, lines 25-32*).

As to claim 59, Burakoff further teaches the act (B) further comprises storing the indication of the source location in electronic file storage (*see column 3, lines 20-33*).

As to claims 60-64, these claims are computer-readable medium claims corresponding to the method claims 55-59 respectively, and are rejected for the same reasons set forth in the rejection of claims 55-59 above.

As to claims 65-69, these claims are system claims corresponding to the method claims 55-59 respectively, and are rejected for the same reasons set forth in the rejection of claims 55-59 above.

Response to Arguments

4. Applicants' arguments with respect to objections and rejections not repeated herein are moot, as the respective objections and rejections have been withdrawn in light of the instant amendments. Those arguments that still deemed relevant are now addressed below.

A. Applicant Argues:

No combination of the cited references satisfies all of the limitations recited by independent claims 1, 18 and 35, as neither cited reference discloses receiving a request, from a user viewing a file other than a source file, to retrieve a data element at a source location, and employing an indication of the source location to retrieve the data element at the source location, as required by each of independent claims 1, 18 and 35.

Response:

With respect to Applicant's argument, the argument is not correct and Examiner is not persuaded because Shklar teaches: receiving a request, from a user viewing a file other than the source file, to retrieve the data element at the source location (*see column 4, lines 25-39; Note that the data requests are made by user from a internet browser, the browser search engine is the file other than the source file, to retrieve a file from a remote server. The requested file is the source file in that its location is separate from the browser and contains metadata (i.e. data element) within the source server(s).*); and employing the indication of the source location to retrieve the data element at the source location (*see column 4, lines 40-51; Note that once the request finds the appropriate server location the metadata (i.e. data element) is used to create a data stream to return to the user terminal for display in the browser. Examiner would like to point out that the created data stream also suggests that the source file located on the server(s) is NOT physically removed from that server during retrieval but merely used to make a copy (i.e. HTML data stream), thereby enforcing the analogy of a source file rather than the actual file itself. Its also necessary to point out that the created HTML data stream is displayed using the browser at the user terminal and thus further demonstrates the differences between the source file and the created HTML file).*

At this time, it might be helpful to see how Burakoff relates to Shklar. Burakoff clearly teaches a computer-implemented method comprising acts of: executing a set of programmed instructions on a source file to identify a source location within the source file, the source location comprising at least a portion of the source file containing a data element (*see column 3, lines 15-28; Note that Burakoff discloses the identification of desired information (i.e. source*

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location) with a document or documents. The start and end lines for the desired data is the data element.); and storing an indication of the source location (see column 3, lines 20-33).

Now in conjunction with Shklar, Burakoff's identified desired information and data element (i.e. start and end lines) could be stored at remote locations of Shklar. A user of Shklar may request the desired information of Burakoff using a web browser. The request would go and retrieve the source file containing the desired information identified by the start and end lines (i.e. data element) from the appropriate server(s).

B. Applicant Argues:

In addition, one skilled in the art would have had no reason at the time of the invention to combine the references in the manner asserted. Specifically, Shklar teaches away from the asserted combination.

Response:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art, having the teachings of Burakoff and Shklar before him or her, to modify the teachings Burakoff to include the user request for data from a source location of Shklar for the purpose of providing flexible access to heterogeneous information from numerous sources (*see column 2, lines 15-17*).

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NOTE: *Each of independent claims 52, 53 and 54 as amended herein include limitations directed to receiving a request from a user to access at least one data element at a source location. As discussed above with reference to claims 1, 18 and 35, the cited references disclose or suggest receiving a request from a user to access at least one data element at a source location. In addition, one skilled in the art would have had reason to modify the system of Burakoff according to the teachings of Shklar, as the Office Action contends. Accordingly, the rejection of independent claims 52, 53 and 54 under 35 U.S.C. § 103(a) as being obvious over Burakoff in view of Shklar are maintained.*

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared M. Bibbee whose telephone number is 571-270-1054. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2161

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